

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: CARONN MALONE**

**CHAPTER 13**

**DEBTOR**

**CASE NO. 17-11418-JDW**

**RESPONSE TO TRUSTEE'S MOTION TO MODIFY CONFIRMED PLAN [DKT. # 35]**

COMES NOW, Caronn Malone, by and through his attorney of record and in response to the Trustee's Motion To Dismiss and would show as follows:

1. The Debtor admits the allegations in Paragraph #1.
2. The Debtor admits the allegations in Paragraph #2 and would state that undersigned counsel has attempted to contact Denali 2016-2 Trust (the "Creditor") and Assets Recovered LLC, the Creditor's Agent ("Agent") regarding the issue via certified letter dated March 5, 2020. The return receipt is dated 3/11/20. However, no further action has been taken by the Creditor or its Agent.
3. According to the Secretary of State for the State of Texas, Assets Recovered, LLC, has "forfeited" its existence. Further attempts are being made to contact the Creditor and its Registered Agent in Delaware.
4. The Debtor objects to the plan being modified by the Trustee, and states he needs the vehicle to commute to and from work.

WHEREFORE, PREMISES CONSIDERED, Debtor prays, upon a hearing hereon, this Court deny Trustee's Motion To Modify the Confirmed Plan. Debtor prays also for such other relief, general or specific, to which he may be entitled.

RESPECTFULLY SUBMITTED,

/s/ Robert H. Lomenick

KAREN B. SCHNELLER, MSB #6558

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**CERTIFICATE OF SERVICE**

I, Robert H Lomenick, Attorney for Debtor, do hereby certify that I have this day forwarded, a true and correct copy of the above and foregoing Response, either by electronic means or by United States Mail to the following:

**Locke Barkley**  
**Chapter 13 Trustee, via ECF**

**Office of U.S. Trustee, via ECF**

This the 30<sup>th</sup> day of April, 2020

/s/ Robert Lomenick  
KAREN B. SCHNELLER  
ROBERT LOMENICK